

**UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WASHINGTON**

STEVE KIM, individually and on behalf of all others similarly situated,

Plaintiff,

V.

U.S. BANCORP and U.S. BANK NATIONAL  
ASSOCIATION,

## Defendants.

Case No. 2:20-cv-00032-RSL

**STIPULATED MOTION REGARDING  
DEPOSITIONS AND CONDITIONAL  
CERTIFICATION**

1 Pursuant to Local Rules 7(d) and 10(g) and Rule 6(b) of the Federal Rules of Civil  
 2 Procedure, Plaintiff Steve Kim and Defendants U.S. Bank National Association and U.S. Bancorp  
 3 hereby stipulate and agree as follows:

4 1. On March 19, 2020, Kim filed a Motion for Conditional Certification of a collective  
 5 action pursuant to the Fair Labor Standards Act. (Dkt. No. 24.) In support of the Motion, Kim  
 6 submitted his own declaration along with those of six individuals who had filed consents to join the  
 7 action (the “Opt-In Plaintiffs”). (Dkt. Nos. 26-32.) The Motion is currently noted for consideration  
 8 on August 21, 2020. U.S. Bank’s Opposition is currently due August 11, 2020. (Dkt. No. 45.)

9 2. On June 10, 2020, U.S. Bank served written discovery and notices of the depositions  
 10 of Kim and Opt-In Plaintiffs Justin Whisenhunt, Mandy Bissell, Zachary Fischer, Amanda Wile,  
 11 Daniel Schneider, and Heather Staat. The depositions were scheduled for July 15, 16, and 20-24,  
 12 2020.

13 3. On July 2, 2020, Kim filed a Motion for a Protective Order seeking an order  
 14 prohibiting U.S. Bank from taking any discovery until the Court resolves his Motion for Conditional  
 15 Certification. (Dkt. No. 50.) The Motion for a Protective Order is fully briefed and was noted for  
 16 consideration on July 10, 2020. (Dkt. Nos. 50-56.)

17 4. By July 13, 2020 (two days before the depositions were set to begin), there was (and  
 18 still is) no order on Plaintiff’s Motion for a Protective Order.

19 5. On July 13, 2020, counsel for U.S. Bank emailed Kim’s counsel to ask for names of  
 20 the city and state in which Kim’s and Whisenhunt’s depositions would be occurring on July 15 and  
 21 July 16, respectively, and stated that the hyperlinks for the Zoom video conferences for the  
 22 depositions would be circulated the following day. Kim’s counsel responded that Kim and the other  
 23 declarants would not appear for their depositions until the Court decided Kim’s Motion for a  
 24 Protective Order.

25 6. On July 15, 2020, U.S. Bank notified Kim’s counsel of its intent to file a motion to  
 26 compel the depositions of Kim and the Opt-In Plaintiffs. The Parties met and conferred on July 16,  
 27 2020, and agreed that: (a) Kim and the Opt-In Plaintiffs will appear for the requested depositions if  
 28 the Court denies the Motion for a Protective Order; and (b) good cause exists to potentially modify

1 the briefing schedule on Kim's Motion for Conditional Certification in lieu of U.S. Bank filing a  
 2 motion to compel the depositions. **The Parties therefore specifically stipulate and agree as**  
 3 **follows:**

4           6.1. If the Court enters an order denying Kim's Motion for a Protective Order,  
 5 Kim and the other Opt-In Plaintiffs whose depositions U.S. Bank noticed will sit for their  
 6 depositions, and the parties will work cooperatively and in good faith to schedule the depositions on  
 7 mutually agreeable dates.

8           6.2. If the Court enters an order denying Kim's Motion for a Protective Order,  
 9 U.S. Bank's Opposition to Kim's Motion for Conditional Certification shall be due 18 days<sup>1</sup> after the  
 10 last deposition of an Opt-In Plaintiff is completed. The Parties agree to work cooperatively to  
 11 schedule the depositions and submit a modified briefing schedule pursuant to this paragraph.

12           6.3. If the Court grants Kim's Motion for a Protective Order, U.S. Bank's  
 13 Opposition to Kim's Motion for Conditional Certification shall be due on the later of August 11,  
 14 2020 or 21 days after the Court enters the Order.

15           6.4. If the Court does not enter an Order on the Motion for a Protective Order on  
 16 or before July 31, 2020, U.S. Bank's deadline to file its Opposition to Kim's Motion for Conditional  
 17 Certification shall be automatically stayed until such time as the Court reaches a ruling and the  
 18 deadline will then be set as set forth above in Paragraphs 6.2. and 6.3.

19           6.5. The Parties will submit a modified briefing schedule pursuant to this  
 20 paragraph after the Court enters its Order on the Motion for a Protective Order or (if the Court denies  
 21 the Motion for a Protective Order) after the depositions of Kim and the Opt-In Plaintiffs are  
 22 completed.

23           ///

24           ///

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27           28           <sup>1</sup> 18 days is the period between: (1) the last deposition of an Opt-In Plaintiff that U.S. Bank originally scheduled (July  
 24, 2020); and U.S. Bank's current deadline to oppose conditional certification (August 11, 2020).

1 RESPECTFULLY SUBMITTED AND DATED this 16th day of July, 2020.  
2

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*Attorneys for Defendants*

29 IT IS SO ORDERED

30 Dated this 17th day of July, 2020.

31 

32 ROBERT S. LASNIK

33 UNITED STATES DISTRICT JUDGE

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35 CONDITIONAL CERTIFICATION  
36 CASE NO.: 2:20-cv-00032-RSL

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